

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

DIANN L. MOODY,	)	
	)	
Plaintiff,	)	Case No. 5:20-cv-00061-MTT
	)	
v.	)	Judge Marc Thomas Treadwell
	)	
SYNCHRONY BANK and DOES 1-	)	
10 inclusive,	)	
	)	
Defendants.	)	
	)	
	)	

**DEFENDANT SYNCHRONY BANK’S MOTION  
TO DISMISS PLAINTIFF’S AMENDED COMPLAINT**

NOW COMES Defendant Synchrony Bank (“Synchrony”), by and through its undersigned counsel, and respectfully moves this Court to dismiss the Amended Complaint of Plaintiff Diann L. Moody (“Plaintiff”) pursuant to Federal Rule of Civil Procedure 12(b)(6), with prejudice, for failure to state a claim upon which relief can be granted. As more fully set forth in the accompanying Memorandum of Law, filed contemporaneously herewith, the Telephone Consumer Protection Act was unconstitutional for a five-year period encompassing the calls alleged in the Amended Complaint.

Dated: December 14, 2020

THE GILROY FIRM

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2020, I electronically filed the foregoing with the Clerk of the U.S. District Court, Middle District of Georgia, Macon Division, by using the CM/ECF system, which will send notification of such filing(s) to all counsel of record listed below:

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